

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

FILED
U.S. DISTRICT COURT
2011 DEC 29 PM 12:59

CLERK C. Roberson
SO. DIST. OF GA.

MICHAEL ANTRANTRINO LEE,

Petitioner,

v.

ANTHONY HAYNES, Warden, and
HARLEY G. LAPPINS, Director
of B.O.P.,

Respondents.

CIVIL ACTION NO.: CV211-079

ORDER

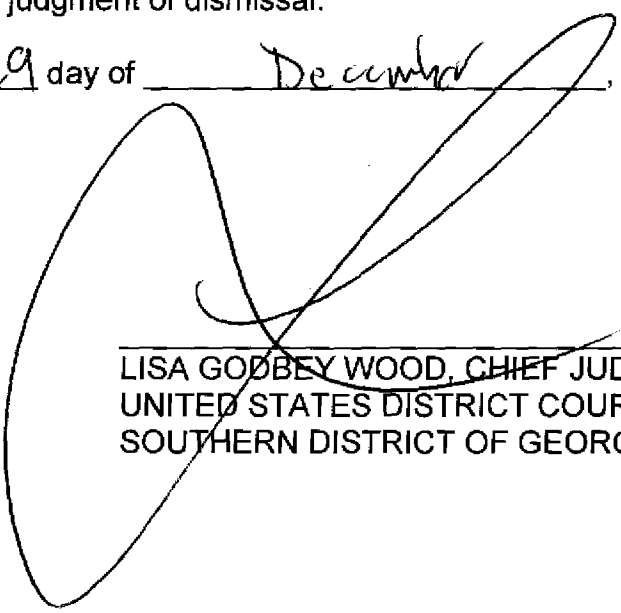
After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Petitioner Michael Lee ("Lee") asserts that he should be placed on a temporarily exempt status from the Inmate Financial Responsibility Program ("IFRP") until his medical condition has improved and he can earn money toward his fine. Lee also asserts that his placement on refusal status while he was housed at the Federal Correctional Institution in Jesup, Georgia ("FCI Jesup"), was an act of racial discrimination.

This Court cannot place Lee on a temporarily exempt status for the IFRP. The management of the IFRP is a function within the Bureau of Prisons' purview, not this Court's. See Bell v. Wolfish, 441 U.S. 520, 529 n.11 (1979). In addition, should Plaintiff feel that he was discriminated against on the basis of his race while he was housed at

FCI Jesup, the proper vehicle to bring that claim would be 28 U.S.C. § 1331 and Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), not a 28 U.S.C. § 2241 habeas petition. See generally, Farmer v. Brennan, 511 U.S. 825 (1994); Abello v. Rubino, 63 F.3d 1063 (11th Cir. 1995) (claims in which prisoners assert that they are being subjected to unconstitutional punishment not imposed as part of their sentence during the period of incarceration or being deprived of an alleged liberty interest, are civil rights actions, not habeas actions).

Lee's Objections are **overruled**. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Lee's petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2241, is **DENIED**. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 29 day of December, 2011.



LISA GOBBEY WOOD, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA